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Office of the Administrative Director - Public Affairs Office - THE JUDICIARY • STATE OF HAWAII

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NEWS RELEASE

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August 29, 2002
For Media Release

Comment Wanted on Proposal to Amend Student Loan Enforcement

In light of the amendment of Hawai'i Revised Statutes 605-1 by Act 226 of the 2002 Hawai'i Session Laws, the Supreme Court of Hawai'i seeks public comment on a proposal to add new Rule 17.2 to the Rules of the Supreme Court of the State of Hawai'i. The proposed Rule 17.2 provides the following:

[RSCH] Rule 17.2 Student Loan Enforcement.

(a) *Suspension of license to practice law.* Upon receipt of certification by an administering entity, as defined by statute, that a person licensed to practice law in this jurisdiction is in default or breach of an obligation under a student loan, student loan repayment contract, or scholarship contract or is at least sixty (60) days past due with payments under a repayment plan, the Hawai'i State Bar shall immediately notify the person by mail at the person's registration address, that it has received such notice and that the person's license to practice law will be suspended unless, within ten (10) calendar days after receipt of the notice, the person petitions the supreme court to prohibit the suspension.

(b) *Executive Director's Action.* If the person fails to respond to the notice or to petition the supreme court within the time allowed, the Executive Director shall immediately suspend the license of the person.

(c) *Petition for writ of Prohibition.* Any person who receives notice pursuant to subsection (a) may petition the supreme court, pursuant to this rule and Rule 21 of the Hawai'i Rules of Appellate procedure, for a writ to prohibit suspension, provided however that the petition shall be reviewed *de novo*. The administering agency shall be allowed to respond to the petition. Upon review of the petition, the response, and any supporting evidence for each, the supreme court will enter an appropriate order to the Executive Director.

(d) *Registration & Filing Fees.* Bar registration fees or dues previously paid will not be refunded. The fee for filing a petition for a writ of prohibition shall be the fee charged for filing an original proceeding.

(e) *Reinstatement to practice.* Upon receipt of the administering agency's statement the person is making payments or taking other actions that satisfy the terms of the student loan, student loan repayment contract, or scholarship contract and is no longer in default or breach of the loan or contract, and payment of all fees and costs assessed, including arrears, by the Hawai'i State Bar, the Hawai'i State Bar shall reinstate the license to practice law.

(f) *Reinstatement Fee Assessment.* The Hawai'i State Bar may assess a reasonable fee for reinstating or restoring a license and may also charge the attorney a reasonable fee to cover the administrative costs incurred by the Hawai'i State Bar to comply with this rule.

Comments about the proposed rule should be submitted in writing no later than Nov. 21, 2002 to the

Judiciary Public Affairs Office, 417 South King Street, Honolulu, Hawai'i 96813.

Note: The comment period has been extended to Dec. 31, 2002.

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